

NOTE: This order is nonprecedential.

United States Court of Appeals  
for the Federal Circuit

**JAZZ PHARMACEUTICALS, INC.,**  
*Plaintiff-Appellant*

**V.**

**AVADEL CNS PHARMACEUTICALS, LLC,**  
*Defendant-Appellee*

2023-1186

Appeal from the United States District Court for the District of Delaware in No. 1:21-cv-00691-GBW, Judge Gregory Brian Williams.

## ON MOTION

PER CURIAM.

## ORDER

Jazz Pharmaceuticals, Inc. (“Jazz”) submits a motion to expedite the briefing schedule and a motion to stay, pending appeal, the district court’s November 18, 2022, injunction requiring it to request that its patent be delisted from the Orange Book by December 2, 2022. Avadel CNS Pharmaceuticals, LLC opposes expediting a response to the motion to stay.

Requests for a stay pending appeal are governed by Rule 8(a)(1) of the Federal Rules of Appellate Procedure, which provides that an applicant for a stay before a court of appeals must ordinarily wait until the district court has acted on the applicant's motion before that court. Jazz's motion to stay enforcement of the injunction is still pending before the district court, and that court appears to be working towards a prompt resolution of that motion.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The district court's November 18, 2022, injunction is temporarily stayed until further notice of this court.

(2) Jazz's motion to stay filed in this appeal is held in abeyance. The parties should promptly inform this court when the district court resolves the motion for a stay pending before that court.

(3) Jazz's opening brief is due December 16, 2022, as it proposes in its motion to expedite.

FOR THE COURT

November 29, 2022

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court